



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes BOARD OF ZONING APPEALS

James A. Mills, Ward 3, Chairman
J. K. Lowman, Ward 2, Vice Chairman
Susan Grant, Ward 1
G. Marshall Dye, Ward 4
Steven A. Carson, Ward 5
Vacant, Ward 6
Neil Bishop, Ward 7

Monday, April 25, 2011

6:00 PM

City Hall Council Chambers

Present: J. K. Lowman, Neil Bishop, G. Marshall Dye, Steven A. Carson, James A. Mills, and Susan Grant

Staff:

Brian Binzer, Development Services Director
Rusty Roth, Development Services Manager
Patsy Bryan, Secretary to the Board
Shelby Little, Urban Planner
Daniel White, City Attorney

CALL TO ORDER:

Chairman Mills called the April 25, 2011 Board of Zoning Appeals Meeting to order at 6:00 p.m.

At this time, Chairman Mills introduced the new Board of Zoning Appeals Ward 1 member, Susan Grant.

MINUTES:

20110340

March 28, 2011 Regular Board of Zoning Appeals Meeting Minutes

Review and Approval of the March 28, 2011 Board of Zoning Appeals Meeting Minutes

Mr. Lowman made a Motion to accept the March 28, 2011 Board of Zoning Appeals Meeting Minutes as submitted, seconded by Mr. Carson.
Motion carried 6 – 0 – 0.

A motion was made by Board member J. K. Lowman, seconded by Board member Steven A. Carson, that this matter be Approved and Finalized. The motion carried by the following vote: 6 – 0 – 0

OLD BUSINESS:**20101377****V2011-03 Wellstar Health System 677 Church Street et al**

V2011-03 [VARIANCE] WELLSTAR HEALTH SYSTEM request variances for property located in District 16, Land Lot 10740, Parcel 0010 and being known as 677 Church Street; also in Land Lot 10750, Parcels 1190, 0320, 1110, 1120, 1130 and 1180 and being known as 675, 683, 705, 715, 737 and 741 Campbell Hill Street; also Land Lot 10750, Parcels 0590, 0630, 0470 and 1000, and being known as 320, 330 and 340 Kennestone Hospital Boulevard; also Land Lot 10750, Parcels 0840, 0760, 0400, 0810, 0390, 0410, 1200 and 0420, and being known as 504, 506, 510 512, 516, 520, 642 and 678 North Avenue; also Land Lot 10750, Parcel 0980 and being known as 31 Tower Road; also Land Lot 10750, Parcel 1060, and being known as 84 lacy Street. Variance to increase the maximum floor area ratio (FAR) from 0.75 to 1.20 and a variance to increase the maximum allowable building height from 50 ft. to 120 ft. Ward 4.

File #20101377 (V2011-03) was presented by Mr. Roth for Wellstar Health System for property located at 677 Church Street and other properties. The variances requested are to increase the maximum floor area ratio (FAR) from 0.75 to 1.20 and a variance to increase the maximum allowable building height from 50 feet to 120 feet.

Mark Haney, Senior Vice President of Real Estate and Construction for Wellstar expressed his appreciation to the Board for their patience over the last several months while they worked with the neighbors and guidance provided by the neighbors.

This project is referred to as Blue Tower II, which was part of a plan originally submitted in 2003.

As explained by Mr. Haney, a reevaluation of the current FAR was conducted after meeting with neighbors and CDH performed a recalculation which put the base at 1.02. Therefore, based on the new calculations, the request for the FAR is 1.12.

There are five (5) stipulations that are incorporated here in as part of the request through letter dated April 22, 2011.

Patty Pearlberg, a resident of 383 Church Street and representative of neighbors in the Wellstar area, spoke in support of the variance.

Mrs. Pearlberg stated that the process has made it obvious that the ordinances of Marietta do not address the needs of the hospital density and homes in the area. It was suggested by Mrs. Pearlberg that staff perform a quality analysis of any application.

Steve Imler, resident of 599 Church Street, commended the neighbors for their involvement in the neighborhood.

Mr. Dye made a motion to approve the variance with the 5 stipulations set forth in the letter dated April 22, 2011, seconded by Mr. Lowman. The rationale being that granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare. Motion carried 6 – 0 – 0.

A motion was made by Board member G. Marshall Dye, seconded by Board member J. K. Lowman, that this matter be Approved as Stipulated. The motion carried by the following vote: 6 – 0 – 0

20110171**V2011-08 Eileen and Joshua Johnson 213 Maxwell Avenue**

V2011-08 [VARIANCE] EILEEN AND JOSHUA JOHNSON request variances for property located in Land Lot 12290, District 16, Parcel 0320 and being known as 213 Maxwell Avenue. Variance to allow an 8 ft. tall wooden fence along the yard fronting a public/private street, variance to allow an 8 ft. tall wooden fence along the side yard fronting a public/private street, variance to allow wooden fence to be within 2 ft. of the public right-of-way, and a variance to allow unfinished rear side of fence to show. Ward 3.

File 20110171 (V2011-08) was presented by Mr. Roth for property located at 213 Maxwell Avenue. The variances requested are to increase the height of a fence to 8 feet; to allow the fence to be within 2 feet of a public right-of-way; to allow an unfinished rear side of a fence to show.

The applicant, Eileen Johnson, explained that the fence needed to be replaced due to rotting and eyesore to neighborhood.

Letters from neighbors in support of fence were submitted.

Chairman Mills asked Mrs. Johnson if she would have a problem if variance #4, which would allow the unfinished rear side of fence to show, was not approved.

Mrs. Johnson stated that slats will be put on the outside so that the more attractive side faces the neighbors and evergreen bushes will be planted along the street.

Chairman Mills made motion, seconded by Mr. Carson, to approve variance #1, #2 and #3 and deny variance #4 with the stipulation that the street side have vegetation along the fence. The rationale being that granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare. The motion carried 4 – 1 – 0 with Mr. Bishop opposed. Mr. Dye did not vote.

For the record, Mr. Dye recused himself as the applicant for this variance request is his daughter.

A motion was made by Board member James A. Mills, seconded by Board member Steven A. Carson, that this matter be Approved as Stipulated. The motion carried by the following vote: 4 – 1 – 0

Vote Against: 1 - Board member Bishop

VARIANCES:

20110172**V2011-09 The Walker School 700 Cobb Parkway North**

V2011-09 [VARIANCE] THE WALKER SCHOOL request a variance for property located in Land Lot 10180, District 16, Parcel 0070 and being known as 700 Cobb Parkway North. Variance to allow two freestanding monument signs, less than 6 feet in height with a 24"x 54" LED changeable reader board be located along an internal driveway. Ward 5.

File 20110172 (V2011-09) was presented by Mr. Roth for property located at 700 Cobb Parkway North. The variance requested is to allow two freestanding monument signs, less than 6 feet in height with LED changeable reader boards along an internal driveway.

Christie Cook, Director of Finance at The Walker School, advised the Board that they want to withdraw the request for variance. Mr. Carson made a motion to accept the withdrawal, seconded by Mr. Lowman. Motion carried 6 – 0 – 0.

A motion was made by Board member Steven A. Carson, seconded by Board member J. K. Lowman, that this matter be Withdrawn. The motion carried by the following vote: 6 – 0 – 0

20110279

V2011-16 A-1 Signs 191 South Marietta Parkway

V2011-16 [VARIANCE] A-1 SIGNS request a variance for property located in Land Lot 12310, District 16, Parcel 1400 and being known as 191 South Marietta Parkway. Variance to allow a 45 s.f. sign on a building face that does not abut a public roadway. Ward 5.

File #20110279 (V2011-16) was presented by Mr. Roth for property located at 191 South Marietta Parkway. The variance request is to allow a 45 sq. ft. sign on a building face that does not abut a public roadway.

Rainie Krahn, representing A-1 Signs and Enterprise, is seeking a sign variance for 191 South Marietta Parkway. Mrs. Krahn explained that there is no visibility from South Marietta Parkway onto Powder Springs Street indicating the location of Enterprise.

Mr. Lowman confirmed that sign will go on side of building. There is a sign on the front facing Powder Springs Street; however, the angle of the building prevents good visibility of location of Enterprise.

Mr. Carson made a motion to deny the variance, second by Mr. Bishop. Motion failed 3 – 3. Mr. Bishop, Mr. Carson, and Chairman Mills voted to deny. Mr. Lowman, Mr. Dye and Mrs. Grant opposed the motion to deny.

Discussion amongst staff and petitioner continued regarding other signs in the area, size of sign on front of building, visibility of current signs, and cleanliness of building and logos.

Chairman Mills asked if the freestanding sign could be removed and petitioner and property owner declined request.

Mr. Carson made another motion to deny the variance, seconded by Mr. Bishop.

Mr. Lowman, Chairman Mills, Mr. Dye and Mrs. Grant voted to oppose the denial.

Chairman Mills made a motion to approve the variance, seconded by Mr. Lowman with the rationale being that granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

The motion carried 4 – 2 with Mr. Bishop and Mr. Caron opposed.

A motion was made by Board member James A. Mills, seconded by Board member J. K. Lowman, that this matter be Approved and Finalized. The motion carried by the following vote: 4 – 2 – 0

Vote Against: 2 - Board member Bishop and Board member Carson

ADJOURNMENT:

The April 25, 2011 Board of Zoning Appeals Meeting adjourned at 6:24 p.m.

JAMES A. MILLS, CHAIRMAN

PATSY BRYAN, SECRETARY